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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/705.326	08/29/96	LACOUNT	K 1

EMRICH AND DITHMAR  
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CHICAGO IL 60606

C2M1/0618

EXAMINER

ART UNIT	PAPER NUMBER
3204	3

DATE MAILED: 06/18/97

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

#### OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 C.F.R. 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-23 are subject to restriction or election requirement.

#### Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

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**Part III DETAILED ACTION**

*Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-5, drawn to a dispenser with improved actuator means, classified in Class 242, subclass 564.4.

Group II. Claims 6-10, drawn to a dispenser with a roller frame assembly, classified in Class 225, subclass 51.

Group III. Claims 11-15, drawn to a dispenser with a transfer roller, classified in Class 242, subclass 560.

Group IV. Claims 16-23, drawn to a dispenser with a roller frame assembly and a transfer roller, classified in Class 225, subclass 34.

The inventions are distinct, each from the other because of the following reasons:

2. The inventions of Groups I and II are separate inventions. They are distinct because the invention of Group I does not require the details of a roller frame assembly for patentability as evidenced by the omission thereof from Group I and the invention of Group II does not require the details of the actuator means being pivotally mounted on the housing for patentability as evidenced by the omission thereof from Group II.

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3. The inventions of Groups I and III are separate inventions. They are distinct because the invention of Group I does not require the details of a transfer roller for patentability as evidenced by the omission thereof from Group I and the invention of Group III does not require the details of the actuator means being pivotally mounted on the housing for patentability as evidenced by the omission thereof from Group III.

4. The inventions of Groups I and IV are separate inventions. They are distinct because the invention of Group I does not require the details of a roller frame assembly for patentability as evidenced by the omission thereof from Group I and the invention of Group IV does not require the details of the actuator means being pivotally mounted on the housing for patentability as evidenced by the omission thereof from Group IV.

5. The inventions of Groups II and III are separate inventions. They are distinct because the invention of Group II does not require the details of a transfer roller for patentability as evidenced by the omission thereof from Group II and the invention of Group III does not require the details of a roller frame assembly for patentability as evidenced by the omission thereof from Group III.

6. The inventions of Groups II and IV are separate inventions. They are distinct because the invention of Group II does not require a means for supporting a second paper roll or a transfer

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roller for patentability as evidenced by the omission thereof from Group II and the invention of Group IV does not require the drive roller rotatably mounted inside the housing or the roller frame assembly being pivotally mounted with respect to the housing for patentability as evidenced by the omission thereof from Group IV.

7. The inventions of Groups III and IV are separate inventions. They are distinct because the invention of Group III does not require the details of a tension roller or a roller frame assembly for patentability as evidenced by the omission thereof from Group III and the invention of Group IV does not require the transfer roller to include a clip for patentability as evidenced by the omission thereof from Group IV.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

9. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37

CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugenia Jones whose telephone number is (703) 308-2172.

A handwritten signature in cursive script, reading "Eugenia Jones".

EUGENIA JONES  
PRIMARY EXAMINER  
GROUP 3200

EAJ

June 17, 1997